

1103326-0250 (CON)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Depui, et al. RECEIVED  
CENTRAL FAX CENTER  
 Serial No. : 10/620,000 MAY 19 2004  
 Filed : July 14, 2003  
 For : ORAL PHARMACEUTICAL DOSAGE FORMS  
       COMPRISING A PROTON PUMP INHIBITOR  
       AND A NSAID  
 Examiner : Spear, J.  
 Group Art Unit : 1615

**OFFICIAL****CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8**

I hereby certify that this paper is being facsimile-transmitted to the U.S. Patent and Trademark Office on 19 May 2004 at the facsimile number 703-872-9306.

John M. Genova	32,224
Agent Name	PTO Reg. No.
<u>John M. Genova</u>	<u>19 May 2004</u>
Signature	Date of Signature

**Mail Stop Amendment**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**ATTENTION: Examiner James Spear**  
**DATE: XXXXXXXXXX**  
**NUMBER OF PAGES: 4**  
**FAX NUMBER: 703-872-9306**

**INFORMATION DISCLOSURE STATEMENT  
 BEFORE MAILING OF EITHER A FINAL ACTION  
 OR NOTICE OF ALLOWANCE (37 C.F.R. §1.97(c))**

Sir:

Applicants submit this communication and the attached Form PTO/SB/08A in compliance with 37 C.F.R. §§1.56, 1.97 and 1.98. Consideration of each of the documents listed on Form PTO/SB/08A is respectfully requested.

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Docket No. 1103326-0250-CON  
Page 2 of 3

**Copies of Cited U.S. Patent Documents are Not Provided**

As announced in the Official Gazette of August 5, 2003, the requirement under 37 CFR 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003 has been waived.

Accordingly, copies of any U.S. patents and/or published patent applications cited on the attached Form PTO/SB/08A are not provided with this Information Disclosure Statement.

**Time of Transmittal of Information Disclosure Statement**

This Information Disclosure Statement is being filed after three months of the filing date of this national application or the entry of the national stage as set forth in §1.491 in an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but before the mailing date of either:

- (1) a final action under §1.113 or
- (2) a notice of allowance under §1.311,

whichever occurs first.

**STATEMENT OR FEE**

Accompanying this Information Disclosure Statement is

A.  a statement as specified in 37 C.F.R. §1.97 (e).

**OR**

B.  the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c). (\$180.00).

**FEE PAYMENT**

Applicant elects the option to pay the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00).

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**METHOD OF PAYMENT OF FEE**

Attached is a check in the amount of \$ 180.00.

Charge Account No. 23-1703 in the amount of \$ 180.00.

If any additional fees are due, please charge the fees to Account No. 23-1703.

Dated: 19 May 2004

Respectfully submitted,

John M. Genova  
John M. Genova  
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>			
(Use as many sheets as necessary)			
Sheet	1	of	1
<i>Complete if Known</i>			
Application Number		10/620,000	
Filing Date		July 14, 2003	
First Named Inventor		Depui et al.	
Art Unit		1615	
Examiner Name		James Spear	
Attorney Docket Number		1103326-0250-CON	

## U.S. PATENT DOCUMENTS

Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages/Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-5,518,730	05-11-0996	Fuisz	
		US-5,582,837	12-10-1996	Shell	
		US-5,651,987	07-29-1997	Fuisz	
		US-6,613,354-B2	09-02-2003	Depui et al.	

## FOREIGN PATENT DOCUMENTS

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
Examiner Signature		Date Considered	

**EXAMINER:** Initial if reference considered, whether or not claim is in conformance with MPEP 609. Draw line through citations if not in conformance and not considered. **Include copy of this form with next communication to applicant.** 'Applicant's unique citation designating authority (optional). See [USPTO Patent Documents at www.uspto.gov](http://www.uspto.gov) or MPEP 1011.04. 'Enter Office that issued the document, by the two-letter code (WFO Standard 57.3). 'For Japanese patent documents, the indication of the year of the issue of the Japanese patent precede the serial number of the parent document. 'Kind of document by the appropriate symbols as indicated on the document under WFO Standard 57.16 if possible. 'Applicant is to place a check mark here if English language translation is attached. This collection of information is required by 37 CFR 1.91 and 1.92. The information is required to obtain or retain a benefit by the public which is to file (or by the USPTO to process) an application. Confidentiality is guaranteed by 35 U.S.C. 122 and 37 CFR 1.92. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. ANY comments on the amount of time you require to complete this form and/or suggestions for reducing any burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.